

SCHRAMM et al.
Serial No. 10/690,813

Atty Dkt: 2466-119
Art Unit: 2688

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend a caption in the specification.
2. Amend claims 1, 4 – 7, 9 – 10, 12 – 13, 15 – 17, 19, 22 – 27, 29, and 30 in a non-narrowing way to emphasize a feature already resident in the claims.
3. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-5, 7, 8, 12, 15, 18, 19, 31, 32 and 33 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,966,657 to Sporre. Claims 6, 14 and 28 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,966,657 to Sporre in view of Applicants' Admitted Prior Art. Claim 10 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,966,657 to Sporre in view of U.S. Patent 6,594,250 to Silventoinen et al. Claim 11 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,966,657 to Sporre in view of U.S. Patent 5,583,870 to Delprat et al. Claims 13 and 27 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,966,657 to Sporre in view of U.S. Patent 5,966,657 to Kansakoski et al. Claims 9 and 25 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,966,657 to Sporre in view of U.S. Patent 6,690,751 to Nikula et al. Claims 16, 17, 29 and 30 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,966,657 to Sporre in view of U.S. Patent 6,125,125 to Narasimha et al. All prior art rejections are respectfully traversed for at least the following reasons.

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Applicants' independent claims 1 and 19 stress the requirement that a base station identity be derived from the same signal, i.e. a signal burst, upon which a link quality measurement occurs. This requirement is specified (for example) in the first method step of claim 1:

...measuring a link quality of the received signal, and simultaneously identifying the target base station in parallel with the measurement based on the same received signal...

Applicants' technique of simultaneous identification and measurement from the same signal burst is more reliable and accurate, as described in Applicants' specification.

The Office Action incorrectly alleges that Sporre teaches this simultaneous feature. Sporre regrettably and confusingly uses the word "signal" to represent the downlink BCCH broadcast channel in general, and at one juncture might arguably appear to indicate BSIC decoding is "part of the measurement" (see, col. 4, lines 10-21). However, this arguable interpretation is roundly contradicted by Fig. 4 and its description in col. 11, where it is clearly stated that the actual neighbor measurement in step 3 is made at a different point than the identification operation in step 4.

To emphasize yet further the simultaneous feature already resident in Applicants' claims, Applicants have amended the claims to refer to "signal burst". Applicants make the measurement and identification on the same received signal burst. Such is manifestly not the case in Sporre, as can be seen in Fig. 4.

In actuality, the thrust of Sporre¹ is to provide additional information in a measurement report regarding the signal strength measured on traffic channels TCH from

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neighboring base stations, in addition to the broadcast channels, omitting some of the required broadcast measurements. Significantly, in Sporre the traffic channels do not contain any base station identification such as a BSIC or related training sequence, and therefore these additional measurements do not fulfill any requirement that a neighbor measurement is only qualified if the BSIC can be read. Thus, for these and other reasons, Sporre does not anticipate nor render obvious Applicants' claims.

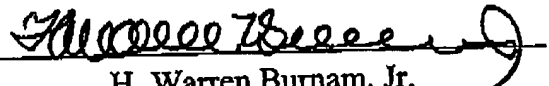
Thus, the Examiner has ample bases for withdrawing all rejections premised on Sporre and for passing the captioned application to issue.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited. The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application. Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

¹ Sporre was cited in the International Search Report as a general state of the art reference.